

Bendau & Bendau | Simon & Simon

Exhibit A

**NOTICE OF RIGHTS UNDER FAIR LABOR STANDARDS ACT TO  
OPT-IN TO LAWSUIT**

*Bright v. 1909 W25, LLC, et al.*  
Case No. 1:19-cv-00543-SO (N.D. Ohio)

**DEADLINE TO JOIN: DATE HERE**

**1. What is this Notice about?**

The purpose of this Notice is to inform you of the existence of a collective action lawsuit and your option to elect to participate in the lawsuit or not to participate in the lawsuit. If you choose to join, you may join by mail.

**2. What is the lawsuit about?**

Alexandra Bright, who used to work at Town Hall, filed this lawsuit in the United States District Court for the Northern District of Ohio against 1909 W25, LLC (“Town Hall”) and Robert George (collectively “Defendants”).

The lawsuit is about whether tipped employees who worked at Town Hall were paid all earned minimum wages. Specifically, the lawsuit claims that Defendants failed to provide proper notice to their tipped employees, improperly retained tips earned by its tipped employees, made improper deductions from tipped employees’ paychecks, and required tipped employees to perform work while off the clock. Defendants deny the allegations in the lawsuit and assert that they complied with the FLSA at all times in good faith.

This Notice has been authorized by the United States District Court for the Northern District of Ohio. This Notice informs you of your right under the FLSA to participate in this case and does not reflect a judgment by a Court about whether Defendants have violated the law or whether any current or former employees are entitled to payment. The Court has taken no position on the merits of this case.

**3. Why did I get this Notice?**

You got this Notice because Defendants identified you as a tipped employee that worked at Town Hall restaurant during the period of [DATE 3 YEARS PRIOR TO ENTRY OF COURT ORDER] and the present.

**4. How do I join the lawsuit?**

You can join the lawsuit by completing the enclosed/attached Consent to Join form and mailing it in the pre-paid, pre-addressed envelope. You may also contact Plaintiff’s counsel, identified below, to request an opt-in form via email.

Your lawyers, identified below, will file your signed form with the Court.

**5. When do I need to submit the Consent to Join form to join the lawsuit?**

To join the lawsuit, you must email or postmark the Consent to Join form by [insert date 60 days from mailing date]. If you do not email or postmark the Consent to Join form by [insert date 60 days from mailing date], you will not be able to join the lawsuit.

**6. What happens if I join the lawsuit?**

If you join this lawsuit, you are agreeing to designate the Plaintiff as your agent to make decisions on your behalf concerning this lawsuit and you will be bound by any ruling, judgment, award, or settlement, whether favorable or unfavorable and Plaintiff’s entering of an agreement with Class Counsel concerning attorneys’ fee and costs, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into by the Plaintiff will be binding on you if you join this lawsuit. You will also be bound by the decision of the Court whether it is favorable or unfavorable. If the case results in a settlement or award in favor of the employees, you may be eligible for those awards. If the employees

lose the lawsuit, you will not receive any payment and you may not be able to file another lawsuit regarding this matter. If you join, your continued right to participate in the lawsuit may depend upon later decisions by the Court concerning the appropriateness of a collective action and whether you are similarly situated to other participants and other matters.

If you join, you may also be required to produce documents to Defendants, answer written questions called "interrogatories," appear for and testify under oath at a deposition, and testify under oath at trial.

**7. What happens if I decide not to join the lawsuit?**

Nothing. If you do not join the lawsuit, you will not be bound by its outcome, whether favorable or unfavorable.

**8. Can Defendants retaliate against me for joining this lawsuit?**

No. Federal law prohibits Defendants from firing you or taking any adverse action against you because you decided to join the lawsuit.

**9. Who will be my lawyers if I join the lawsuit, and how will the lawyers be paid?**

If you join the lawsuit, you will be represented by Clifford Bendau and Christopher Bendau of Bendau & Bendau PLLC and James Simon of The Law Offices of Simon & Simon:

Clifford P. Bendau, II  
Christopher J. Bendau  
Bendau & Bendau, PLLC  
P.O. Box 97066  
Phoenix, AZ 85060  
Phone: (480) 382-5176  
Email: info@bendaulaw.com

James L. Simon  
Law Offices of Simon & Simon  
6000 Freedom Square Dr.  
Independence, OH 44131.  
Phone: (216) 525-8890  
Email: jameslsimonlaw@yahoo.com

The lawyers representing the employees will only be paid if they win the lawsuit or obtain a settlement. If either happens, the lawyers may or may not receive their fees and costs from Defendants and/or may receive part of any money awarded by the Court or obtained through a settlement. If the employees lose the lawsuit, you will not have to pay your lawyers.

**10. How will I know if I joined the lawsuit?**

Your lawyers will contact you to confirm you joined the case. If you are not contacted in a reasonable period of time, please contact Plaintiff's counsel at the above listed contact information.

**11. How do I get more information about the lawsuit?**

If you have **questions** about this Notice or the lawsuit, please contact Plaintiff's counsel at the above listed contact information.

PLEASE DO NOT CALL OR WRITE THE COURT IN THIS LAWSUIT. THE COURT CANNOT ANSWER QUESTIONS ABOUT THIS LAWSUIT OR THIS NOTICE.

## CONSENT TO JOIN

I agree to join the lawsuit **Bright v. 1909 W25, LLC, et al.** (“the Lawsuit”) to pursue alleged unpaid wages under the Fair Labor Standards Act (“FLSA”). By signing and returning the consent to join and having Plaintiff’s attorneys file it with the Court, I understand and agree that I will become a participant in the Lawsuit. I agree to be bound by any adjudication of this Lawsuit by the Court or by any settlement. I also agree and understand that it is my obligation to provide Plaintiff’s attorneys with updated contact information should anything change during the pendency of this Lawsuit.

I select Bendau & Bendau PLLC and James Simon (“the Firms”), and any of their associated attorneys, to represent me in the Lawsuit and, along with Alexandra Bright, to make decisions on my behalf, including how to conduct the Lawsuit, settlement, and all other matters related to the Lawsuit. I agree to provide the Firms forty percent (40%) of any recovery they obtain on my behalf in the Lawsuit or the reasonable hourly value of their legal services for the time expended in the Lawsuit, as paid by Defendants, whichever is greater. If no recovery is obtained, no fee is owed by me. I authorize the Firms to deduct from any recovery my pro rata share of any reasonable costs incurred by the Firms on my behalf.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**You may return this form by:** mail in the pre-paid envelope to Bendau & Bendau PLLC: P.O. Box 97066 Phoenix, AZ 85060.

\*\*\*Note: This Lower Portion Will Not Be Filed With the Court\*\*\*

Phone Number: \_\_\_\_\_ Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Where you worked: \_\_\_\_\_

Position(s) you held: \_\_\_\_\_

Approximate dates of employment: \_\_\_\_\_